

IDAHO BOARD OF CHIROPRACTIC PHYSICIANS
Division of Occupational and Professional Licenses
P.O. Box 83720
Boise, ID 83720-0063

Conference Call Minutes of 7/26/2021

THIS IS A DRAFT DOCUMENT THAT HAS NOT BEEN APPROVED BY THE BOARD

BOARD MEMBERS PRESENT: Craig J Manning, D.C. - Chair
Shannon Gaertner-Ewing, D.C.
Cathy Hart

BOARD MEMBERS ABSENT: Lynn Hansen, D.C.

DIVISION STAFF: Anne Lawler, Bureau Chief
Julie Eavenson, Licensing Group Manager
Nicholas Krema, General Counsel
Cesley Metcalfe, Team Lead
Allegra Earl, Board Specialist

The meeting was called to order at 12:11 PM MDT by Craig J Manning, D.C.

EXECUTIVE SESSION

Ms. Hart made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to consider documents relating to the fitness of an applicant to be granted a license or registration. It was seconded by Dr. Gaertner-Ewing. The vote was: Dr. Manning, aye; Dr. Gaertner-Ewing, aye; and Ms. Hart, aye. Motion carried.

Dr. Gaertner-Ewing made a motion to come out of executive session. It was seconded by Ms. Hart. Motion carried.

APPLICATION FOR RECONSIDERATION

The Board reviewed an application that was denied at the meeting held on June 25, 2021.

Ms. Hart made a motion to uphold the original application denial for John Baptist Conca based on the following:

- IDAPA 24.03.01.100.01.b.iii requires that an applicant have five (5) years of consecutive practice without discipline immediately prior to

application and hold a current, valid license to practice in a state, territory, or district of the United States or Canada. Based on Applicant's information in the Work Experience Addendum to his application packet, Applicant's most recent work experience ended in January 2021. The subject application was submitted on June 21, 2021, a gap in practice of approximately six months, which does not fulfill the requirement of five years of consecutive work practice *immediately* prior to applying.

- Idaho Code § 73-122 requires that: "[t]he social security number of an applicant shall be recorded on any application for a professional, occupational or recreational license." Applicant submitted documents that he maintains evidence that he has "terminated participation in the social security program." Applicant has made no showing that termination of participation in the social security excuses performance under Idaho Code § 73-122. Also, the documents submitted by Applicant show no acquiescence by the Social Security Administration to his alleged termination.
- The Board, through the Division, discovered undisclosed materials from a previous application for licensure by Applicant. Significantly, Applicant's failure to provide a Social Security Number was the direct cause of the Board not having information regarding Applicant's prior application at the first review of his application. Those application materials show that Applicant was convicted of unlawfully holding himself out to be a chiropractor physician without a license, in violation of Idaho Code § 54-705(3). The Board evaluated this unknown and undisclosed criminal conviction in the reconsideration of this application. Applying the standards of Idaho Codes §§ 67-9411 and 54-708(1) the Board concluded that the criminal conviction constitutes grounds for denying Applicant's application under Idaho Code § 54-708.
- IDAPA 24.03.01.100.01.b.ii requires that all applicants licensed after January 1980 must have graduated from a Council on Chiropractic Education ("CCE") approved college or university. No documentation has been provided showing that the college or university from which Applicant graduated was CCE approved.

It was seconded by Dr. Gaertner-Ewing. Motion carried.

ADJOURNMENT

Dr. Gaertner-Ewing made a motion to adjourn the meeting at 12:41 PM MDT. It was seconded by Ms. Hart. Motion carried.

Craig J Manning, D.C., Chair